S.B.Cr.Misc. Bail App. No.4202/2007

(Ram Lal Vs. State of Rajasthan)

Date of order : August 29, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Dhirendra Singh, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the challan papers.

It is contended by the learned counsel for the petitioner that similarly situated co-accused Ganpat Lal has already been granted bail by a Co-ordinate Bench of this Court vide order dt. 17.8.2007 in S.B.Cr.Misc. Bail Application No.3911/2007. It is further contended that the petitioner has not been named in the FIR filed by Jodha Ram, the first informant, not only this, even, deceased himself did not name the petitioner in his statement and all other eye-witnesses viz. Kishna Ram, Bhagwana Ram and Smt. Vimla have also not named the petitioner in their statements under section 161 Cr.P.C.

Having regard to the facts and circumstances of the case and the fact that the petitioner has not been named either in the

statement of the deceased or in the FIR lodged by first informant, Jodha Ram as also in the statements of eye-witnesses Kishna Ram, Bhagwana Ram and Smt. Vimla,, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Ram Lal s/o Dhuka be released on bail in FIR No.137/2007, P.S., Bhinmal provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-